

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 525400.320	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 03/21967	International filing date (day/month/year) 11/07/2003	(Earliest) Priority Date (day/month/year) 19/07/2002
Applicant: OSTEOTECH, INC.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

24

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 03/21967

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61B17/16

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 01 62166 A (DERIDDER STEVEN D ;SDGI HOLDINGS INC (US); LANGE ERIC C (US); MCGA) 30 August 2001 (2001-08-30) figures 18A,18B,32,33 page 18, line 26 -page 19, line 10 ---	1-5, 8-14, 56-58
X	WO 02 34144 A (LIU MINGYAN ;JOSSE LOIC (FR); SDGI HOLDINGS INC (US); FOLEY KEVIN) 2 May 2002 (2002-05-02) abstract; figures 2-5 page 8, line 27-30 --	48
A		1,10-14, 29,50,56
A	US 4 743 256 A (BRANTIGAN JOHN W) 10 May 1988 (1988-05-10) abstract; figure 13 --- -/--	1,29,48, 50,56

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

G document member of the same patent family

Date of the actual completion of the international search

21 October 2003

Date of mailing of the international search report

29/10/2003

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Macaire, S

INTERNATIONAL SEARCH REPORT

International Application No.

PCT/US 03/21967

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5 571 109 A (BERTAGNOLI RUDOLF) 5 November 1996 (1996-11-05) abstract; figure 3 column 8, line 52 -column 9, line 4 ---	1,29,48, 50,56
A	US 2002/068941 A1 (SEME STEVEN J ET AL) 6 June 2002 (2002-06-06) abstract; figures 16-20 -----	1,29,48, 50,56

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US 03/21967

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 43-47
because they relate to subject matter not required to be searched by this Authority, namely:
Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 03/21967

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 0162166	A	30-08-2001	AU 4161201 A	03-09-2001
			CA 2395390 A1	30-08-2001
			EP 1259175 A2	27-11-2002
			JP 2003523257 T	05-08-2003
			WO 0162166 A2	30-08-2001
			US 2003032962 A1	13-02-2003
WO 0234144	A	02-05-2002	US 6599291 B1	29-07-2003
			AU 9697501 A	06-05-2002
			CA 2426019 A1	02-05-2002
			EP 1328200 A1	23-07-2003
			WO 0234144 A1	02-05-2002
US 4743256	A	10-05-1988	US 4834757 A	30-05-1989
			US 4878915 A	07-11-1989
US 5571109	A	05-11-1996	DE 4328690 A1	02-03-1995
			AT 180157 T	15-06-1999
			CA 2129938 A1	27-02-1995
			DE 59408271 D1	24-06-1999
			EP 0641547 A2	08-03-1995
US 2002068941	A1	06-06-2002	WO 0203867 A2	17-01-2002
			WO 02065957 A2	29-08-2002
			US 2003028197 A1	06-02-2003
			AU 7174901 A	21-01-2002